



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

June 28, 2010

To: Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

### **SACRAMENTO UPDATE**

This memorandum includes a pursuit of County position on legislation regarding a feasibility study and status updates on two County-advocacy bills related to annexations and general plan amendments.

#### **Pursuit of County Position on Legislation**

**AB 315 (De Leon)**, as amended on June 21, 2010, would require: 1) the Santa Monica Mountains Conservancy (SMMC) to develop a feasibility study before June 30, 2011 for the creation of the Los Angeles River Parkway projects in the Los Angeles State Historic Park and Rio de Los Angeles State Park (Bowtie Parcel); 2) the SMMC to use existing budget resources and voluntary private and nonprofit resources when preparing the study; 3) the SMMC to request voluntary cooperation of other governmental authorities with jurisdiction over the Los Angeles State Historic Park and Bowtie Parcel; and 4) the study to provide for, among other things, the acquisition of real property in and abutting the Los Angeles State Historic Park and the Bowtie Parcel, and the subsequent lease, rental, sale, or other transfer of that property for park purposes.

Under existing law, the SMMC is authorized to award grants or loans to cities, counties, districts, or nonprofit organizations to restore, enhance, acquire, or conserve resources or develop recreational opportunities in and around the Santa Monica Mountains environment. AB 315 would require the SMMC to develop a feasibility study for the

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

creation of Los Angeles River Parkway projects in the Los Angeles State Historic Park and Bowtie Parcel to: 1) establish objectives for extending regional wildlife linkages and exploring river recreational activities; 2) establish objectives for riparian habitat conservation, water quality improvements, and in-channel reconfiguration; 3) analyze the potential of connecting Central High School No. 13, which is expected to open in the Fall of 2011, to the Bowtie Parcel; and 4) analyze the potential of linking the network of parks and local schools through trails, bikeways, nature kiosks, and user access points.

In addition to providing for the acquisition of real property in and abutting the Los Angeles State Historic Park and Bowtie Parcel, and the subsequent lease, rental, sale, or other transfer of that property for park purposes, the study must also provide a means by which to apply for grants or loans to purchase or restore park, recreation, conservation, or open-space opportunities in the Los Angeles State Historic Park and the Bowtie Parcel. "Los Angeles State Historic Park" is defined as the 32 acres of open space directly adjacent to Chinatown and the east of Elysian Park, and "Bowtie Parcel" means the 18.6 acres of undeveloped land directly adjacent to one of the few remaining soft-bottomed stretches of the Los Angeles River Channel and located within the 58-acre park along the Los Angeles River, north of downtown Los Angeles.

The Department of Public Works (DPW) indicates that the Los Angeles County Flood Control District (FCD), in accordance with the Los Angeles County Flood Control Act, supports the development of aesthetic improvements to its rights of way which may be within the scope of the feasibility study proposed under AB 315. Portions of property in the vicinity of the study area are FCD rights of way and the bill would direct the utilization of State resources for a feasibility study that could benefit the FCD.

According to DPW, the Los Angeles River in the vicinity of the project study areas is operated and maintained by the United States Army Corps of Engineers (Corps). The underlying fee ownership of the parcels over the Los Angeles River in this vicinity is a patchwork comprised of private entities, the City of Los Angeles, the FCD, and the Corps. The FCD will have permitting responsibility for any improvements proposed on those parcels for which it has the underlying fee ownership. In order to ensure the proper authority is exercised over decisions that may be made with regard to the Los Angeles River, DPW states the bill should be amended to recognize the authority of the Corps and the FCD, and require the SMMC to obtain the cooperation and approvals of the FCD, the Corps, and other governmental authorities with jurisdiction over the Los Angeles River, Los Angeles State Historic Park and the Bowtie Parcel.

Because DPW supports the development of aesthetic improvements to its rights of way, DPW recommends that the County support AB 315, if amended, to: 1) specify the FCD and the Corps and their respective authority over the areas of Los Angeles Historic Park

and Bowtie Parcel; 2) specify the FCD's authority to approve planning elements within the areas of its jurisdiction; and 3) require the SMMC to coordinate with the FCD and the Corps on the development of the feasibility study. Support is consistent with existing policy to support legislation that promotes the preservation and restoration of watershed and river areas and support measures which promote the preservation and restoration of Los Angeles County mountains, bay, watershed, river and wetland areas. **Therefore, the Sacramento advocates will support AB 315, if amended, as indicated above.**

AB 315 is supported by the Mountains Recreation and Conservation Authority. There is no registered opposition. This measure is currently at the Senate Desk awaiting referral to a policy committee.

#### **Status of County-Advocacy Legislation**

**County-opposed AB 853 (Arambula)**, which would: 1) eliminate local control over the annexation process for unincorporated fringe/island communities by requiring a board of supervisors to petition the Local Agency Formation Commission (LAFCO) to approve the annexation of these communities if specified conditions are met; 2) require LAFCO to adopt a comprehensive plan to address infrastructure deficiencies for these communities; and 3) require local agencies to comply with the comprehensive plan, was substantially amended on June 23, 2010.

The June 23, 2010 amendments delete many of the major provisions of the bill, including the provisions: 1) defining unincorporated fringe community, unincorporated island community and disadvantaged community; 2) requiring the board of supervisors to petition LAFCO to approve the annexation to a city of any unincorporated island or fringe community if specified conditions are met; 3) requiring LAFCO to adopt a comprehensive plan to address infrastructure deficiencies for the specified communities; 4) requiring local agencies to comply with the comprehensive plan; and 5) prohibiting LAFCO from approving a change to a sphere of influence unless all relevant agencies are in compliance with the comprehensive plan.

The amendments included in the June 23, 2010 version of AB 853: 1) require a board of supervisors, within 180 days of receiving a petition to apply for annexation to a city or reorganization that includes an annexation to a city, to adopt a resolution of application for an annexation to a city or reorganization that includes an annexation to a city if the affected territory meets specified conditions; 2) require local agencies to include in its written statement a determination with respect to the location and characteristics, including infrastructure needs or deficiencies, or any disadvantaged inhabited communities; and 3) require LAFCO, upon review and update of a sphere of influence

on or after July 1, 2010, to include in the review or update of each sphere of influence of a city or special district that provides public facilities or services related to sewer, nonagricultural water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged inhabited communities.

If 25 percent of the registered voters residing in the territory proposed to be annexed, as shown on the county register of voters, or if 25 percent of the number of owners of land within the territory proposed to be annexed who also own 25 percent of the assessed value of land within the territory as shown on the last equalized assessment roll, the board of supervisors would be required to adopt a resolution of application for an annexation to a city or a reorganization that includes an annexation to a city if the affected territory meets all of the following conditions:

- The territory is all or a portion of a disadvantaged inhabited community;
- The territory is an inhabited territory;
- The territory is within the city's sphere of influence; and
- The territory is contiguous to the city.

The bill defines "disadvantaged inhabited community" as inhabited territory that constitutes all or a portion of a "disadvantaged community", which means a community with a median household income less than 80 percent of the statewide average. The service review of the municipal services provided in the county conducted by LAFCO must also address the location and characteristics, including infrastructure needs or deficiencies, of any disadvantaged inhabited communities.

County Counsel indicates that AB 853 does not address the plan for services required pursuant to Government Code Section 56653. If a local agency completes a resolution of application, it must also submit a plan for providing services within the affected territory. County Counsel states that typically the city which is annexing the territory completes the resolution of application and the plan for services. It would be unusual for the County to have to submit a plan for services for an annexation to a city. As currently drafted, counties would have to submit a plan for providing services within the area proposed for annexation.

The Department of Regional Planning indicates that the bill still represents a loss of local control and infringes upon county board of supervisors' local land use decision-making authority and remains opposed to the bill. The DPW indicates there are several landfills located in the unincorporated County areas that provide a significant revenue source to the County's general fund, and play a vital role in assisting the County meet its solid waste management responsibilities. If the Board of Supervisors is required to annex areas that include any of the landfills, it could impact

Each Supervisor  
June 28, 2010  
Page 5

DPW's ability to control its own destiny regarding solid waste disposal options. DPW recommends that the County continue to oppose AB 853.

This measure is set for hearing in the Senate Local Government Committee on June 30, 2010.

**County-opposed SB 1174 (Wolk)**, which would establish the Future Sustainable Communities Pilot Project, which would require, among other things, a city or county with a disadvantaged unincorporated community inside or near its boundaries to apply to the Strategic Growth Council to receive the financial assistance to update its general plan to facilitate the transformation of the disadvantaged unincorporated community into a sustainable community, and would require the city or county to review, prepare and adopt amendments to one or more elements of its general plan to include specified information, was amended on June 24, 2010.

The June 24, 2010 amendments remove the mandate for cities and counties to apply to the Strategic Growth Council for funds to update the general plan and remove the mandate for cities and counties to update its general plan to include data and analysis, goals, implementation measures, policies, and objectives to address the presence of island, fringe, or legacy unincorporated communities inside or near its boundaries. The bill now authorizes cities and counties to apply for assistance to update the general plan and requires the Strategic Growth Council to choose 5 cities and 5 counties with a disadvantaged unincorporated community inside or near their boundaries to receive financial assistance for purposes of the bill.

The Department of Regional Planning indicates that the recent amendments address all of the department's concerns, and recommends that the County drop opposition to the bill. **Therefore, our Sacramento advocates will remove opposition to SB 1174 and take no position.**

This measure is set for hearing in the Assembly Local Government Committee on June 30, 2010.

We will continue to keep you advised.

WTF:RA  
EW:er

c: All Department Heads  
Legislative Strategist